

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UEEA CUSH-EL, )  
                    )  
Plaintiff,       )  
                    )  
v.                )                  Case No. 4:22CV986 JAR  
                    )  
FIRST PREMIER BANK, )  
                    )  
Defendant.       )

**MEMORANDUM AND ORDER**

This matter is before the Court on Defendant's Motion for Summary Judgment [Doc. No. 12]. Plaintiff has not responded to the Motion. For the reasons set forth below, the Court will grant Defendant's Motion for Summary Judgment.

Defendant filed the instant motion on November 18, 2022. On January 4, 2023, because Plaintiff had not filed a response, this Court ordered Plaintiff to respond to Defendant's Motion no later than February 3, 2023 and warned his failure to respond would result in the Court ruling on Defendant's unopposed Motion for Summary Judgment and/or possible dismissal of this action for failure to prosecute [Doc. No. 15]. To date, no response or correspondence has been filed by Plaintiff.

“All matters set forth in the moving party’s Statement of Uncontested Material Facts shall be deemed admitted for purposes of summary judgment unless specifically controverted by the opposing party.” E.D. Mo. Local Rule 4.01(E). As a result of Plaintiff’s failure to respond, Defendant’s statement of material facts is deemed admitted [Doc. No. 13]. Therefore, the Court rules on Defendant’s unopposed Motion for Summary Judgment and will grant Defendant’s Motion, finding in favor of Defendant and against Plaintiff. The case will be dismissed with

prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Unopposed Motion for Summary Judgment [Doc. No. 12] is **GRANTED**.

**IT IS FURTHER ORDERED** that this case is dismissed with prejudice.

A separate Judgment will accompany this Memorandum and Order.

Dated this 31st day of May, 2023.

  
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JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE